IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7227 OF 2006

Shri Ashoksingh S/o. Maharajsingh Yadav ...Petitioner
V/s.
The Union of India & Ors. ...Respondents

Shri K.H. Giri for the Petitioner.
Shri D.A. Dubey for the Respondents.

CORAM : SMT.RANJANA DESAI &
V.M. KANADE, JJ.

DATED : NOVEMBER 28, 2006

P.C. :-

1. In this petition, the petitioner has challenged Order dated 19th October, 2006 of cancellation of commercial franking machine licence No.MH-19/0381/05 issued in the name of the petitioner.

2. We have heard the learned Counsel for the petitioner and the learned Counsel for the Respondents.

3. Affidavit-in-reply is filed by Mr.Yashwant Namdev Nikam, presently working as Senior Superintendent of Post Office, Mumbai City, North Division, Azad Nagar, Mumbai. In paragraph 3 of this affidavit, it is stated that the present petition is premature. The learned

Counsel for the respondents has stated that the impugned order has been kept in abeyance by the Chief Post Master General, Mumbai. He says that a copy of the said order will be served on the petitioner within eight days from today.

4. In view of the fact that the superior authority is seized of the order impugned in this petition, it is not possible for us to entertain this petition. We direct the Post Master General to give a hearing to the petitioner and pass appropriate orders in accordance with law within a period of four weeks from today. If the order passed by the Post Master General is adverse to the petitioner, it shall not be executed for a period of two weeks from the date of communication of the said order to the petitioner.

5. We note the statement made by the learned Counsel for the respondents which is not disputed by the petitioner that the franking machine is with the petitioner and the petitioner is operating the same. We also note the statement of the learned Counsel for the

respondents that the cheques the details of which have been given in paragraph 4 of the affidavit-in-reply of Shri Nikam are dishonoured when presented for encashment. We note the statement of the learned counsel for the petitioner that the said cheques are not given by the petitioner and the petitioner is not supposed to pay the said amount. These contentions may also be taken into account by the Post Master General.

. Petition is disposed of in the aforestated terms.

(RANJANA DESAI, J.)

(V.M. KANADE, J.)